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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20995	7590	08/19/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			GARY, ERIKA A	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR			2681	
IRVINE, CA 92614			DATE MAILED: 08/19/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/424,006	SANGER, GEORG
Examiner	Art Unit	
Erika A. Gary	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on May 19, 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 6-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 6-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Neubauer et al., US Patent Number 5,953,673 (hereinafter Neubauer).

Regarding claim 6, Neubauer discloses a method for reaching subscribers in a cellular mobile radio communications system, comprising: temporarily assigning object identifications to subscribers, said temporary object identifications being formed by subscriber data sets that respectively define an entire subscriber environment of a virtual communication network within the cellular mobile radio communication system, wherein the cellular mobile radio communications system is configured for at least voice communication, wherein one or more subscriber data sets are assignable to subscribers of the cellular mobile radio communication system, and wherein the subscriber data sets are selected from a pool of predetermined subscriber data sets; and selectively allocating predetermined subscriber environments to respective authorized subscribers, the predetermined subscriber environments being defined by the subscriber data sets [col. 4: lines 60-64; col. 5: line 39 – col. 6: line 23].

Regarding claim 7, Neubauer discloses administering calls regarding subscriber data sets of the virtual communication network through an intelligent network [col. 5: lines 46-48].

Regarding claim 8, Neubauer discloses carrying out an authorization check of the subscribers, and allocating the subscriber data sets after a positive result of the authorization check is obtained [col. 4: lines 37-50].

Regarding claim 9, Neubauer discloses assigning a temporary, object-related and a permanent, individual subscriber environment to a subscriber, to whom an object identification has been assigned [col. 6: lines 3-23].

Regarding claim 10, Neubauer discloses reaching the subscriber always under the call numbers which correspond to the individual and the temporary subscriber environments currently assigned to the subscriber [col. 4: lines 19-22, 37-40, 60-67].

Regarding claim 11, it is inherent that cellular radio communication systems can be configured for data communication, as it is known to send text messages wirelessly for example.

3. Claims 6, 8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pfundstein, US Patent Number 6,029,067 (hereinafter Pfundstein).

Regarding claim 6, Pfundstein discloses a method for reaching subscribers in a cellular mobile radio communications system, comprising: temporarily assigning object identifications to subscribers, said temporary object identifications being formed by subscriber data sets that respectively define an entire subscriber environment of a

virtual communication network within the cellular mobile radio communication system, wherein the cellular mobile radio communications system is configured for at least voice communication, wherein one or more subscriber data sets are assignable to subscribers of the cellular mobile radio communication system, and wherein the subscriber data sets are selected from a pool of predetermined subscriber data sets; and selectively allocating predetermined subscriber environments to respective authorized subscribers, the predetermined subscriber environments being defined by the subscriber data sets [col. 1: line 49 – col. 2: line 6; col. 2: lines 51-54].

Regarding claim 8, Pfundstein discloses carrying out an authorization check of the subscribers, and allocating the subscriber data sets after a positive result of the authorization check is obtained [col. 4: lines 62-65].

Regarding claim 11, Pfundstein discloses the cellular radio communication system is further configured for data communication [col. 3: lines 34-35].

Response to Arguments

4. Applicant's arguments filed May 19, 2004 have been fully considered but they are not persuasive. Applicant argues that Neubauer's system is not formed by subscriber data sets, each defining an entire subscriber environment of a virtual communication network. However, the Examiner respectfully disagrees as Neubauer teaches group call numbers identifying target groups. In Neubauer's example, the service technicians performing customer service in a particular area represent the virtual network. The profiles for these service technicians represent the subscriber data sets. Applicant also

argues that Neubauer's network structure is not formed by subscriber data sets including data related to subscription, etc. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that Neubauer's network structure is not formed by subscriber data sets including data related to subscription, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 8, Applicant argues that Neubauer fails to disclose an authorization check and allocation of subscriber data sets. However, the Examiner respectfully disagrees as Neubauer teaches that a target group is assigned one or more group call numbers. Neubauer also teaches that certain criterion is checked before selection of a target subscriber [col. 4: lines 37-50]. It is further inherent in the art of wireless services, that authorization checks are made before services are allocated.

Regarding claim 9, Applicant argues that Neubauer does not teach assigning a temporary, object-related and a permanent individual subscriber environment to a subscriber. However, the Examiner respectfully disagrees as Neubauer teaches a group call number (temporary, object-related environment) and Neubauer teaches that subscribers have a call number of their own (permanent, individual environment) [col. 5: line 64 – col. 6: line 23].

Regarding claim 10, Applicant argues that Neubauer does not teach individual or temporary subscriber environments. However, the Examiner respectfully disagrees for reasons given above regarding claim 9.

Applicant argues that Pfundstein fails to teach selectively allocating predetermined subscriber environments to respective authorized subscribers. However, the Examiner respectfully disagrees as Pfundstein teaches the authorized subscribers can be registered in either the mobile-radio network or the virtual private network [col. 1: line 49 – col. 2: line 6; col. 2: lines 51-54].

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750 or to the 2600 Customer Service Office at 703-306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary
Primary Examiner

EAG
August 17, 2004



ERIKA GARY
PATENT EXAMINER